

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

NAVY SEALs 1-3, et al.,

Plaintiffs,

v.

LLOYD J. AUSTIN, III in his official capacity as
United States Secretary of Defense, et al.,

Defendants.

Case No. 4:21-cv-01236-O

DEFENDANTS' RESPONSE TO THE JULY 10, 2023 ORDER

Defendants respectfully submit this response to the Court's July 10, 2023 Order, directing the parties to "submit their respective positions on the timing of supplemental briefing." *See* ECF No. 245. Defendants take no position and have no objection to Plaintiffs' proposed approach of waiting for issuance of the mandate to proceed with supplemental briefing. Defendants' counsel are available to confer with Plaintiffs to discuss a briefing schedule at that time. If briefing proceeds now, Defendants request three weeks to file supplemental briefs regarding the impact of the Fifth Circuit decision in light of counsel's schedule and the press of other business.

Dated: July 11, 2023

Respectfully submitted,

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